

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**ADAM LEAL GARCIA,**

Plaintiff,

v.

**FBI and CIA,**

Defendants.

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Civil Action No. **3:23-CV-2188-L-BT**

**ORDER**

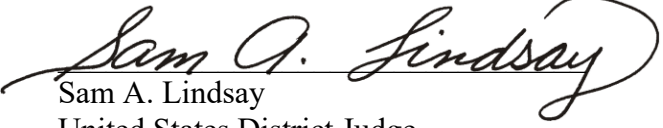
On November 22, 2023, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 5) was entered, recommending that the court, pursuant to Federal Rule of Civil Procedure 41(b), dismiss without prejudice this action for failure to comply with a deficiency order that required him to file a signed complaint that complies with Federal Rule of Civil Procedure 8(a) and pay the filing fee or file a motion to proceed *in forma pauperis*. As of the date of this order, no objections to the Report have been received or docketed, and Plaintiff has not sought an extension of any deadlines or complied with the magistrate judge’s order.

Having considered the file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **dismisses without prejudice** this action pursuant to Rule 41(b) as a result of Plaintiff’s failure to comply with the magistrate judge’s deficiency order.

The court prospectively **certifies** that any appeal of this action by Plaintiff would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court incorporates by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197,

202 and n.21 (5th Cir. 1997). Based on the Report, the court concludes that any appeal of this action by Plaintiff would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. See *Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

**It is so ordered** this 22nd day of December, 2023.

  
Sam A. Lindsay  
United States District Judge